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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,452	03/06/2002	Yoshinobu Hara	108426-00013	6925
4372 7590 03/27/2008 ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER LIU, I JUNG	
			ART UNIT 3694	PAPER NUMBER
			NOTIFICATION DATE 03/27/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/031,452

Applicant(s)

HARA ET AL.

Examiner

MARISSA LIU

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/17/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7, 9-11 and 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-2, 6, 8 and 12-13 are presented for examination. Applicant filed an amendment on 1/7/2008 canceling claims 3-4 and 14-15 and amending claims 1-2 and 12-13. Claims 5, 7, 9-11 and 16-17 are non-elected claims. In view of Applicant's amendment, the Examiner withdraws the grounds of rejections of claims 1-4, 6, 8 and 12-15 based on 35 USC 102 and 35 USC 103. However, new grounds of rejection of claims 1-2, 6, 8 and 12-13 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 112

1. The term "matter" in claim 1 or 12 is a relative term which renders the claim indefinite. The term "matter" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, "for each of plural matters" has grammatical and idiomatic errors. Please make appropriate correction.
3. Claim 12 recites the limitation "a database" in claim 12. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 8 recites the limitation "the weighted data" in claim 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Walker et al., U.S. Patent No.: 5,794,207, in view of Armstrong et al., (US Patent Number: 5,627,973), further in view of Official Notice.
3. As per claim 1, Walker et al. teaches a system for determining overall capability of a trading partner, in a bidding system with which trading partners present their bidding prices via a network, in response to a matter presented by a buyer company, comprising:

a trading partner database representing capabilities of the trading partners, from the trading partner database (see column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43, column 18 and column 19, lines 18-21); of the capabilities of the trading partner (see column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43, column 18 and column 19, lines 18-21); a database to be quoted by trading partners (column 1, lines 43-50; column 3, line 1-8; column 9, lines 17-30); and a controller arranged to determine bidding trading partners that show bidding prices, of the bidding trading partners (Fig. 6; abstract; column 1, lines 43-49; column 32, lines 10-13; column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43 and column 19, lines 18-21; page 1) from the trading partner database (see column 13, lines 11-22), to select a trading partner to supply matter from the bidding trading partners based on the

bidding prices (see column 11, lines 44-50, column 16, lines 29-43 and column 33, line 66-column 34, line 4);

Walker et al. does not teach: for storing scores on a plurality of estimation items. An element weight table containing weights for the plurality of estimation items for each of plural matters; to retrieve scores on the plurality of estimation items; to multiply a score on each of the estimation items by a weight for the estimation item for the matter presented by the buyer to calculate a weighted score on each of the estimation items for the matter for each of the bidding trading partners; to sum weighted scores of the estimation items to calculate a weighted overall score for the matter for each of the bidding trading partners; and based on the weighted overall scores.

Armstrong et al. teaches: for storing scores on a plurality of estimation items (abstract, column 1-2 and columns 9-24); An element weight table containing weights for the plurality of estimation items for each of plural matters (abstract, columns 1-2 and columns 9-24); Said matters (abstract, columns 1-2 and columns 9-24); to retrieve scores on the plurality of estimation items (abstract, columns 1-2 and columns 9-24); to retrieve weights for the plurality of estimation items for the matter presented by the buyer company, from the element weight table (abstract, columns 1-2 and columns 9-24);

Therefore, it would have been prima facie obvious for one of ordinary skill in the art at the time of the invention to add for storing scores on a plurality of estimation items, an element weight table containing weights for the plurality of estimation items for each of plural matters, said matters, to retrieve scores on the plurality of estimation items, to retrieve weights for the

plurality of estimation items for the matter presented by the buyer company and from the element weight table features to the system of Walker et al., because Armstrong et al. teaches adding the features help to convince the customer of the ability of vendor to substantially help the customer fulfill its needs (column 1 and abstract).

Official Notice is taken that to multiply a number or a score by a weight to calculate a weighted score or number and too sum weighted scores or number to calculate a weighted overall score or number for individuals and based on weighted overall score is old and well known in the business to use expected value formula to provide efficient and accurate system and method for calculating an average or central value in order to make an informed decision by a user or system. Therefore, it would have been obvious at the time of invention to add to multiply a number or a score by a weight to calculate a weighted score or number and too sum weighted scores or number to calculate a weighted overall score or number for individuals to the system for determining of a trading partner.

4. As per claim 2, Walker et al., Armstrong et al. and Official Notice teach a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. further teaches:

wherein the representing capabilities of the trading partners (see column 12, lines 13-15 and 56-67) stored in the trading partner database are representing capabilities of the trading partners on a plurality of estimation items, in numerical form, based on any of information on the trading partners, obtained from the trading partners (see column 13, lines 11-38 and column 16, lines 29-43), information concerning estimation of the trading partners, kept by the buyer

company and business information concerning the trading partners (see abstract and column 9, lines 14-22), obtained from external credit-ranking agencies (see column 9, lines 1-22).

Walker et al. does not teach scores.

Armstrong et al. teaches scores (abstract, columns 1-2 and columns 9-24).

Therefore, it would have been prima facie obvious for one of ordinary skill in the art at the time of the invention to add scores feature to the system of Walker et al., because Armstrong et al. teaches adding the features help to convince the customer of the ability of vendor to substantially help the customer fulfill its needs (column 1 and abstract).

5. As per claim 12, claim 12 is equivalent of claim 1. Please refer to claim 1 rejection described above.
6. As per claim 13, claim 13 is equivalent of claim 2. Please refer to claim 2 rejection described above.
7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No.: 5,794,207, in view of Armstrong et al., (US Patent Number: 5,627,973), in view of Official Notice, further in view of Aycock et al., US Patent Number: 5,765,138.
8. As per claim 6, Walker et al., Armstrong et al. and Official Notice teach a system for determining overall capability of a trading partner, according to claim 1 described above. Walker et al. teaches the controller (Fig. 6; see abstract; column 1, lines 43-49; column 32, lines 10-13; column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43 and column 19, lines 18-21; page 1) Walker et does not teach is further arranged to choose a selecting routine

from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine. Aycock et al. further teaches is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine (column 4, lines 20-39; column 7-8 and claims 23-25).

Therefore, it would have been prima facie obvious for one of ordinary skill in the art at the time of the invention to is further arranged to choose a selecting routine from a plurality of predetermined selecting routines, according to an article subjected to the bidding and to select a trading partner or trading partners for the matter by executing the chosen selecting routine to Walker et al., because Aycock teaches adding the feature helps to provide a system that enables a more objective analysis for evaluating supplier capabilities to qualify a supplier as a vendor for a project (columns 1-2).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U.S. Patent No.: 5,794,207, in view of Armstrong et al., (US Patent Number: 5,627,973), in view of Official Notice, in view of Aycock et al., US Patent Number: 5,765,138, further in view of Madoff et al., US Publication Number: 2001/0044767 A1 (US Publication Number: 2001/0044767 A1).

10. As per claim 8, Walker et al., Armstrong et al., Official Notice and Aycock et al. teach the system for determining overall capability of a trading partner, according to claim 6 described above. Walker et al. teaches wherein the controller (Fig. 6; see abstract; column 1, lines 43-49;

column 32, lines 10-13; column 12, lines 54-67, column 13, lines 10-22, column 16, lines 29-43 and column 19, lines 18-21; page 1) and to select trading partners (column 11, lines 44-50; column 16, lines 29-43 and column 33, line 66-column 34, line 4); for the matter (see column 11, lines 44-50, column 16, lines 29-43 and column 33, line 66-column 34, line 4); in numerical form to (see column 13, lines 11-38 and column 16, lines 29-43). Walker et al. does not teach is further arranged to represent a difference between the bidding price and a target price predetermined, the weighted data represented in order of decreasing value of the data represented, after the addition.

Armstrong et al. teaches the weighted data represented in order of decreasing value of the data represented (abstract, columns 1-2 and columns 9-24).

Therefore, it would have been prima facie obvious for one of ordinary skill in the art at the time of the invention to add the weighted data represented in order of decreasing value of the data represented feature to the system of Walker et al., because Armstrong et al. teaches adding the feature help to convince the customer of the ability of vendor to substantially help the customer fulfill its needs (column 1 and abstract).

Madoff et al. teaches further arranged to represent a difference between the bidding price and a target price predetermined, add the price difference (Figs. 2-8; paragraphs 0029, 0032, 0037, 0042-0043); to add the price difference represented to, after the addition (Figs. 2-8; paragraphs 0029, 0032, 0037, 0042-0043).

Therefore, it would have been prima facie obvious for one of ordinary skill in the art at the time of the invention to add further arranged to represent a difference between the bidding

price and a target price predetermined, add the price difference and to add the price difference represented to, after the addition features to the system of Walker et al., because Madoff et al., teaches adding the features help to achieve the best price in the market at the current time or to improve the execution price relative to spread (paragraphs 0029; abstract; columns 1-3).

Response to Arguments

11. Applicant's arguments with respect to claims 1-2, 6, 8 and 12-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694